

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CASE NO. 1:06-CR-36

v.

HON. ROBERT HOLMES BELL

MICHAEL ANTHONY JACKSON,

Defendant.

_____ /

MEMORANDUM OPINION AND ORDER

This matter is before the Court on defendant's Motion for Modification or Reduction of Sentence Pursuant to 18 U.S.C. §3582(c)(2) (docket #32). Based on a review of defendant's motion, the Sentence Modification Report, submissions by counsel on behalf of the defendant and the government, and the original criminal file, the Court has determined that the motion should be denied for the following reason(s):

The total offense level at the time of sentencing was determined to be 31. With a criminal history category of III, defendant's guideline range was 135 to 168 months. The Court departed downward on its own motion and sentenced defendant to 72 months custody. The Court found that while the adjusted offense level of 31 was technically correct, the nature of defendant's criminal history and his threat to others in the community as compared to others similarly situated, warranted a sentence outside the

guideline range.

Accordingly, having already addressed the purpose behind the amendments to the crack cocaine guidelines, the Court will hereby **DENY** defendant's motion for reduction of sentence.

DATED: February 24, 2009

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
UNITED STATES DISTRICT JUDGE